



General Assembly

February Session, 2004

Amendment

LCO No. 3932

HB0504403932HDO

Offered by:

REP. MICHELE, 77th Dist.

To: Subst. House Bill No. 5044

File No. 248

Cal. No. 190

"AN ACT CONCERNING PLANS OF CONSERVATION AND DEVELOPMENT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 8-132 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) Any person claiming to be aggrieved by the statement of
6 compensation filed by the redevelopment agency may, at any time
7 within six months after the same has been filed, apply to the superior
8 court for the judicial district in which such property is situated for a
9 review of such statement of compensation so far as the same affects
10 such applicant. The court, after causing notice of the pendency of such
11 application to be given to [said] the redevelopment agency, may
12 appoint a judge trial referee to make a review of the statement of
13 compensation.

14 (b) If the court appoints a judge trial referee, [such] the judge trial

15 referee, after giving at least ten days' notice to the parties interested of
16 the time and place of hearing, shall hear the applicant and [said] the
17 redevelopment agency, shall view the property and take such
18 testimony as [such] the judge trial referee deems material and shall
19 thereupon revise such statement of compensation in such manner as
20 [such] the judge trial referee deems proper and forthwith report to the
21 court. Such report shall contain a detailed statement of findings by the
22 judge trial referee, sufficient to enable the court to determine the
23 considerations upon which the judge trial referee's conclusions are
24 based. The report of the judge trial referee shall take into account any
25 evidence relevant to the fair market value of the property, including
26 evidence of environmental condition and required environmental
27 remediation. The judge trial referee shall make a separate finding for
28 remediation costs and the property owner shall be entitled to a [setoff]
29 set-off of such costs in any pending or subsequent action to recover
30 remediation costs for the property. The court shall review the report,
31 and may reject it for any irregular or improper conduct in the
32 performance of the duties of [such] the judge trial referee. If the report
33 is rejected, the court may appoint another judge trial referee to make
34 such review and report. If the report is accepted, its statement of
35 compensation shall be conclusive upon such owner and the
36 redevelopment agency.

37 (c) If the court does not appoint a judge trial referee, the court, after
38 giving at least ten days' notice to the parties interested of the time and
39 place of hearing, shall hear the applicant and [said] the redevelopment
40 agency and take such testimony as it deems material, may view the
41 subject property, and shall make a finding regarding the statement of
42 compensation. The findings of the court shall take into account any
43 evidence relevant to the fair market value of the property, including
44 evidence of environmental condition and required environmental
45 remediation. The court shall make a separate finding for remediation
46 costs and the property owner shall be entitled to a set-off of such costs
47 in any pending or subsequent action to recover remediation costs for
48 the property. The findings of the court shall be conclusive upon such

49 owner and the redevelopment agency.

50 (d) Notwithstanding any contrary provision of law, in reviewing a
51 statement of compensation pursuant to this section, in any case in
52 which real property is taken by a redevelopment agency for purposes
53 of economic development and such taking will benefit specific and
54 identifiable private interests, a court or a judge trial referee shall
55 determine whether (1) the public interest is the predominant interest
56 being advanced by such taking, and (2) such taking will meet one or
57 more community development needs having a particular urgency. If
58 the court or the judge trial referee finds that the public interest is not
59 the predominant interest being advanced by such taking or that such
60 taking will not meet any community development needs having a
61 particular urgency, the court or the judge trial referee shall review such
62 taking and such statement of compensation with heightened scrutiny.

63 [(d)] (e) If no appeal to the Appellate Court is filed within the time
64 allowed by law, or if [one] an appeal is filed and the proceedings have
65 terminated in a final judgment finding the amount due the property
66 owner, the clerk shall send a certified copy of the statement of
67 compensation and of the judgment to the redevelopment agency,
68 which shall, upon receipt thereof, pay such property owner the
69 amount due as compensation. The pendency of any such application
70 for review shall not prevent or delay [whatever] any action that is
71 proposed with regard to such property by the project area
72 redevelopment plan."